

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 19, 2007

DEPARTMENT: **PLANNING AND DEVELOPMENT**

ITEM DESCRIPTION: RQR-23798 - APPLICANT: MOON VALLEY NURSERY -
OWNER: AMERICAN GEAR REDUCTION, INC/WYCOFF NEWBERG CORP

**** CONDITIONS ****

STAFF RECOMMENDATION: **DENIAL.** If Approved, subject to:

Planning and Development

1. Conformance to the conditions of approval for Site Development Plan Review (SDR-12175), and all subsequent site-related actions shall be required.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Required One Year Review of an approved Site Development Plan Review (SDR-12175) for outdoor storage/sales and a waiver of the perimeter landscape requirements on 5.22 acres at 7215 and 7275 Tule Springs Road.

This is the first review of the subject Site Development Plan Review. Due to the lack of progress on the proposed development and the failure to conform to the conditions of approval from the original application request, denial of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/22/04	The Planning and Development Department approved a request for an Administrative Site Development Plan Review (SDR-3410) for a proposed temporary garden supply facility adjacent to the west side of the intersection of Tule Springs Road and Sunny Springs Lane.
06/21/06	The City Council approved a Site Development Plan Review (SDR-12175) for Outdoor Storage/Sales and a waiver of the perimeter landscape requirements and a Special Use Permit (SUP-12177) for proposed outdoor storage/sales within Town Center on 5.22 acres at the northwest corner of US-95 North and Tule Springs Road.
<i>Related Building Permits/Business Licenses</i>	
There are no permits or licenses related to this request.	
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	5.22

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Nursery	SC-TC (Service Commercial)	T-C (Town Center)
North	Nursery	Clark County	T-C (Town Center)
South	US-95 Right-of-Way	US-95 Right-of-Way	US-95 Right-of-Way
East	Single Family Residential	MLA-TC (Medium Low Attached Density Residential)	T-C (Town Center)
West	US-95 Right-of-Way	US-95 Right-of-Way	US-95 Right-of-Way

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
T-C Town Center District	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
T-C Town Center District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the first review of the subject Site Development Plan Review. This item is being placed on the agenda by staff as the applicant has failed to produce all of the required documents and payments in order to proceed. The applicant has not made progress on the site in the form of pulling permits to begin any of the approved construction. The applicant states that they are in the process of completing a drainage study. It is noted that there are several conditions of approval from the Site Development Plan Review that would not require permits that are currently not being satisfied. A site inspection on 08/31/07 found the following conditions of approval from SDR-12175 not satisfied.

1. This approval shall be subject to a one-year required review, in order for the applicant to demonstrate compliance with the conditions of approval for this site.

The applicant did not file for a one-year required review in a timely manner. This item was placed on an agenda by staff after attempts to get the applicant to move forward failed. This site is not in compliance with the conditions of approval for this site.

3. Garden tools, supplies, fertilizer, and non-living material shall be stored only within an enclosed building or other area screened from view from any abutting streets or adjacent residential property.

Supplies are stored in a central area of the site under a tent, not visible from adjacent residential properties. Sales tent is visible from US-95.

5. No temporary construction dumpsters nor storage containers shall be allowed on site.

Two construction dumpsters were noted on site during site inspection.

7. No banners or temporary signs shall be placed on any perimeter walls or fences.

Four (4) banners were observed on the fence along US-95. Two banners were observed posted on the sides of two (2) trailers also along US-95. Temporary signage was posted along the edge of Tule Springs Road, and on the Southeast corner of Tule Springs Road and Farm Road.

14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

City Code requirements and design standards are not being met at this time.

Due to the lack of progress on the proposed development and the failure to conform to the conditions of approval from the original application request, denial of this request is recommended.

FINDINGS

Due to the lack of progress on the proposed development and the failure to conform to the conditions of approval from the original application request, denial of this request is recommended.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

N/A

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 218

APPROVALS 0

PROTESTS 0